

Application No. 09/557,696

56. (New) The method of claim 38 wherein the reactions are performed in a reaction chamber sealed from the ambient environment.
57. (New) The method of claim 38 further comprising evaluating the properties of the mixture.

REMARKS

Presently, claims 1-14 and 38-57 are pending. Claims 1-4, 10, 12, and 38-44 stand rejected, and claims 5-9, 11, 13-14 and 45-52 objected to for depending from a rejected base claim. Claims 53-57 have been added. New claim 53 is supported by the specification, for example, at claim 2, as filed. New claim 54 is supported by the specification, for example, at page 6, lines 18-22 and page 7, lines 19-21. New claim 55 is supported by the specification, for example, at claim 8, as filed. New claim 56 is supported by the specification, for example, at claim 10, as filed. New claim 57 is supported by the specification, for example, at claim 12, as filed. No new matter is introduced by the new claims.

Claim 38 was previously withdrawn from consideration, but has now been considered for the first time. Because claim 38 has only been considered once, it is respectfully submitted that the holding of finality of the most recent action is improper as premature. Reconsideration and withdrawal of the holding of finality, particularly as regarding claim 38, are respectfully requested.

Rejections Over Marsh et al.

The Examiner rejected claims 1-4, 10, 12, and 38-44 under 35 U.S.C. §103(a) as obvious over U.S. Patent 4,649,037 to Marsh et al. (the Marsh patent). As noted by the Examiner, the Marsh patent does not disclose a plurality of collectors for the sequential collection of different products sequentially produced by reaction. The Examiner asserts that this missing feature would have been an obvious addition to one of ordinary skill in the art since the

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Marsh apparatus is capable of producing particles with different properties. It is respectfully submitted that the Examiner failed to make a prima facie case of obviousness. Specifically, the Examiner's assertion concerning the missing element appears insufficient and unsupported. Applicants respectfully request reconsideration of the obviousness rejection based on the Marsh reference.

With respect to claims 1-4, 10, 12 and 39-44, the Marsh patent does not teach suggest or motivate the use of a plurality of collectors for the sequential collection of particles produced sequentially within the apparatus from a reactants in a flow. Specifically, disclosure of the Marsh patent would not lead one of ordinary skill to add a plurality of collectors for the collection of sequentially produced reaction products. Marsh also lacks any discussion of changing feed and other inputs while continuing to operate the disclosed reactor system. The collectors described in the Marsh patent are designed to collect a particular reaction product. Since the Marsh patent does not teach, suggest or motivate the modification of their system to sequentially collect products sequentially produced by reaction, it is only with hindsight based on Applicants' own disclosure that the Marsh patent can be modified to have a collector designed for the sequential collection of different products that are sequentially produced from a reactant flow within the reactor.

In addition, there is no disclosure in the Marsh patent that would suggest how to connect an appropriate collector to sequentially collect different reaction products that are sequentially produced within the reactor. The Marsh patent discloses a specific collection system in Fig. 1 and the discussion at column 7, lines 11-61. The reaction system and collectors in the Marsh patent are specifically designed for a particular flow through the system. The Examiner has not asserted how this flow process can be modified to allow for multiple collectors to collect subsequently produced reaction products. Since the Examiner has not indicated an obvious modification to the Marsh apparatus to provide appropriate flow with sequential collection, the Examiner has failed to establish prima facie obviousness with respect to claim 1 and claims depending from claim 1.

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While the Examiner has indicated that claim 38 would be examined, the Examiner has failed to assert invalidity of claim 38. Specifically, the Examiner has not described how the features of claim 38 are obvious over the disclosure of the Marsh patent. Thus, the Examiner has clearly failed to establish prima facie obviousness of claim 38.

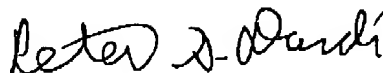
Since the Examiner has failed to establish prima facie obviousness of Applicants' claimed invention, Applicants respectfully request withdrawal of the rejection of claims 1-4, 10, 12, and 38-44 under 35 U.S.C. §103(a) as obvious over the Marsh patent.

CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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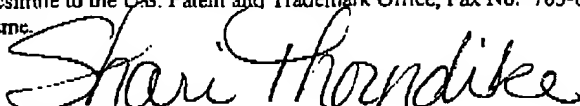
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February 15, 2002
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Shari R. Thorndike

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**ATTACHMENT
MARKED-UP AMENDMENTS**

Claims As Amended

New claims 53-57 have been added.

--53. (New) The method of claim 38 wherein the composition of the second quantity of fluid reactants is different from the composition of the first quantity of fluid reactants.

54. (New) The method of claim 38 wherein the reacting the first quantity of fluid reactants is within a fluid stream and wherein the reacting the second quantity of fluid reactant is within a fluid stream.

55. (New) The method of claim 38 wherein the apparatus has a radiation path defined by a radiation source and directing optical elements and wherein the reacting of the fluid reactant involves interacting radiation from the radiation source with the reactants.

56. (New) The method of claim 38 wherein the reactions are performed in a reaction chamber sealed from the ambient environment.

57. (New) The method of claim 38 further comprising evaluating the properties of the mixture.--